

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Srinivas Aluri et al.	§	Confirmation No. : 6160
	§	
Application No.: 10/063,863	§	Group Art Unit: 3737
	§	
Filed: May 20, 2002	§	Examiner: Roy, Baisakhi
	§	
For: TEXT-BASED GENERIC SCRIPT	§	Atty. Docket: GEMS:0194/YOD/SWA/EUB
PROCESSING FOR DYNAMIC	§	124566
CONFIGURATION OF	§	
DISTRIBUTED SYSTEMS	§	

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February 15, 2008

/Lee Eubanks/

Date

L. Lee Eubanks IV

PRE-APPEAL BRIEF REQUEST FOR REVIEW

In response to the Final Office Action mailed on October 9, 2007, and the Advisory Action mailed January 15, 2008, Appellants respectfully submit this Pre-Appeal Brief Request for Review. This Request is being filed concurrently with a Notice of Appeal of the Examiner's improper rejection of claims 1-9, 11-22, and 24-65 of the present application. Notably, the Final Office Action fails to even address numerous elements of the claims, and fails to identify prior art teachings analogous to many other recited elements, including: "a configuration data distributor of multi-component configuration data," "a component-specific data extractor of the multi-component configuration data," or any one of a configuration data receiver, extractor, processor, provider, or broadcaster *of multi-component configuration data*. Because the Examiner's rejections are clearly erroneous and unsupported by the Schmitt reference, Appellants respectfully request reconsideration of the above-referenced application by the panel.

As a preliminary matter, and as discussed in Appellants' last two communications, it should be noted that *each claim* is independently patentable and must be addressed individually to properly account for the unique aspects recited therein. In the Office Action, the Examiner provided a blanket rejection that summarily grouped claims 1-9, 11-22, and 24-65 together as anticipated by the Schmitt reference (U.S. Patent No. 6,394,353) and provided an incomplete list of various subject matter recited by only some of these claims that does not refer to any of the claims by number. See Office Action mailed October 9, 2007, pages 2-4. Upon review, it appears that the Office Action fails to provide any rationale or support for the rejection of at least claims 11-17, 19, 24, 27, 28, 30, 35-39, 48-55, 64, and 65. Because the Examiner did not specifically or substantively address the subject matter of a number of these claims, Appellants respectfully assert that the wholesale rejection of claims 1-9, 11-22, and 24-65 is legally deficient in view of 37 C.F.R. § 1.104, and the finality of the Office Action was improper.

Further, the Schmitt reference fails to disclose each element of independent claims 1, 22, 31, 44, and 58. For instance, independent claim 1 recites "a dynamic configuration system for the plurality of medical diagnostic components." Claim 1 also recites that the dynamic configuration system comprises "a configuration data distributor" and "a component-specific data extractor" of *multi-component configuration data*. Further, independent claim 22 recites both "a configuration data provider" and "a configuration data broadcaster" of *multi-component configuration data*. Independent claim 31 recites "a configuration data receiver for a distributable multi-component configuration file" and "a configuration data extractor of the extractable component-specific application data." Additionally, independent claim 44 recites "distributing multi-component configuration data comprising extractable component-specific configuration data for a plurality of medical diagnostic components." Independent claim 44 also recites "extracting the extractable component-specific configuration data ... at each component of the plurality of medical diagnostic components" and "processing the extractable component-specific configuration data extracted at each component." Additionally, independent claim 58 recites "machine-readable code supported on the medium and comprising a broadcasting multi-component configuration system adapted to provide a multi-component configuration file having extractable component-specific

configuration data for a plurality of medical diagnostic components.” Because the Schmitt reference fails to disclose these elements, the cited reference fails to anticipate independent claims 1, 22, 31, 44, and 58.

The Schmitt reference is directed to a medical system having one or more device components and a control arrangement. Col. 1, lines 8-10. Notably, the Schmitt system includes a number of components, including mounting device 1, radiation receiver 3, mounting plate 5, radiation transmitter 7, and radiation diaphragm 9. Col. 2, lines 14-22; FIG. 1. Each of the components 1, 3, 5, 7, and 9 is connected to a respective code reader 2, 4, 6, 8, and 10 that reads a component-specific code of the coupled component. *Id.* The system also includes a control arrangement or unit 11, which sends control signals to, and/or receives status or parameter signals from, the components 1, 3, 5, 7, and 9. Col. 2, lines 22-28. Further, each of the code readers 2, 4, 6, 8, and 10 reads the component-specific code of the component to which it is coupled (i.e., identifies the component) and transmits the code to the control unit 11. *Id.* Schmitt notes that the *control unit 11* may be configured based on the identification of the components 1, 3, 5, 7, and 9. Col. 2, lines 28-32; *see also* col. 4, lines 5-14 (“said control unit, upon receipt of said code, being reconfigured to control said medical diagnostic procedure differently dependent on said presence of said at least one medical device component.”).

In short, the Schmitt reference discloses, at best, a control unit that may be configured based on the identity of the components (through codes associated with the units) to which it is connected. However, while the Schmitt reference does mention configuration of the *control unit* based on individual device components, the cited reference cannot be reasonably relied upon as disclosing a host of elements recited by independent claims 1, 22, and 31, including: “a configuration data distributor of multi-component configuration data” (nothing in the Schmitt reference suggests *distribution* of *configuration* data, rather than identification codes, let alone *multi-component* configuration data), “a component-specific data extractor of the multi-component configuration data,” or any one of a configuration data receiver, extractor, processor, provider, or broadcaster of *multi-component configuration data*. Again, the Schmitt reference

merely discloses configuration of a control unit based on identification codes of attached components 1, 3, 5, 7, and 9. The cited reference simply fails to disclose, teach, or even hint at distribution of multi-component configuration data, extraction of component-specific application data from the multi-component configuration data, or any of the other claim recitations noted above.

For similar reasons, the Schmitt reference necessarily fails to disclose “distributing *multi-component* configuration data” or the extracting and processing of such data, as recited by independent claim 44. Likewise, the Schmitt reference cannot be rationally considered to disclose “machine-readable code supported on the medium and comprising a broadcasting multi-component configuration system *adapted to provide a multi-component configuration file having extractable component-specific configuration data* for a plurality of medical diagnostic components” (emphasis added), as recited in independent claim 58. As a result of these numerous and readily apparent deficiencies, the Schmitt reference cannot support a *prima facie* case of anticipation with respect to independent claims 1, 22, 31, 44, and 58, and their respective dependent claims.

In response to Appellants’ previous remarks, the Examiner suggested that the Schmitt reference teaches a medical diagnostic system with a control arrangement to enable modification of a specific device component by including a code reader allocated to at least one device component controlled by the control component. *See* Office Action mailed October 9, 2007, page 2. Further, the Examiner noted that “the [Schmitt] code reader reads a component-specific code allocated to the device component” and that the cited reference teaches “reconfiguration of the control arrangement based on the code read by the code reader.” *See id.* To clarify, the Schmitt reference teaches that a code reader (e.g., code reader 2, 4, 6, 8, or 10) identifies a component (e.g., mounting device 1, radiation receiver 3, mounting plate 5, radiation transmitter 7, or radiation diaphragm 9) and then transmits the identity of the component to the control unit 11. Schmitt, col. 2, lines 14-28. The control unit 11 may then be configured based on the identity of the component. *See id.* at col. 2, lines 28-32.

The Examiner states that this arrangement “clearly anticipates” various features recited in the instant claims. *See* Office Action mailed October 9, 2007, page 2. Appellants, however, respectfully note that each of the code readers 2, 4, *et seq.* only transmits the identity of its associated component; nothing in the Schmitt reference suggests that a code reader distributes *configuration* data, let alone that one of the code readers somehow distributes configuration data *of multiple components* of the Schmitt system. As such, the code readers 2, 4, 6, 8, and 10 cannot be logically equated with a “configuration data *distributor* of *multi-component configuration* data” (emphasis added). Further, as the control unit 11 receives individualized identity data from each of the code readers (i.e., each code reader sends the identity of a single component 1, 3, 5, 7, or 9), there does not appear to be any need for the control unit 11 to somehow extract component-specific data from a larger multi-component data file. Consequently, Appellants again respectfully point out that the Schmitt reference fails to disclose, teach, or suggest each and every element of, and cannot anticipate, the present claims. Further, the Examiner’s assertions that the Schmitt control arrangement “results in the same end result as the dynamic configuration system in the present claims” is unfounded, and appears to be based on the incorrect and unsupported assertion that the transmission of individual, component-specific identity data by a code reader is somehow equivalent to the distribution of multi-component configuration data. *See id.* For at least the reasons provided above, such bald assertions are untenable and cannot form the basis for a *prima facie* case of anticipation of the instant claims. Consequently, Appellants respectfully request withdrawal of the rejection under 35 U.S.C. § 102 and allowance of the pending claims.

Respectfully submitted,

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